IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS

In re application of:

BENSON et al.

Application No.: 09/679,948

Filed: November 4, 2000

For: System and Method for Manipulating Digital Images

Examiner: Good Johnson, Motilewa

Art Unit: 2672

SUPPLEMENTAL APPEAL BRIEF UNDER 37 C.F.R. §1.192

In response to Office Communication mailed 5/31/2007

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sirs:

In response to the Office Communication Mailed 5/31/2007, appellant submits amended "Summary of Claimed Subject Matter" that separately discussed each of the independent claims, supports in the specification to independent claims. As requested, only the section of the amended "Summary of Claimed Subject Matter" is submitted herein.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is related generally to distributing images. In one aspect, the invention allows images to be edited and the specified edits are saved as metadata and the original image is not altered. During review of an edited/manipulated image, the original image is retrieved and metadata specifying the edit changes are applied to the original image to arrive at the edited image. The metadata is generated at the user's local computer, and the metadata is updated to a remote server that archives the image and the metadata. In this manner, the original image is read-only so that the user can always revert to the original image if needed. (Page 4 of the Specification)

Regarding claim 1, among other supporting descriptions, Figure 1 and Page 11 Line 18 to Page 12 Line 10 disclose identifying an image for processing at a local client computer, sending the image to a remote server. Figure 2 and Page 12 Line 11 to line 22 describe manipulating either locally or remotely parameters associated with the image without modifying the image itself. Page 12 Line 26 to Page 14 Line 15 and Figure 2 (step 208) describe synchronizing the local client computer and the remote server including updating metadata for one of the local client computer and the remote server using metadata of the other.

Regarding claim 43, among other supporting descriptions, Figure 1 and Page 10 Line 26 to Page12 Line 10 disclose an image-processing system including a local client computer and a remote server. Figures 2 and 3, and Page 12 Line 11 to page 16 Line 31 disclose a method for distributing image editing, review and ordering functions among system resources in an image-processing system, including determining if a session is open between the local client computer and the remote server; capturing, at the client computer when the session is closed, metadata describing any manipulations by the user of an image; capturing, at the remote server when the session is opened, metadata describing manipulations of the image by the user; and synchronizing the metadata captured at each of the local client computer and the remote server when the session is open.

Regarding claim 44, among other supporting descriptions, Figure 1 and Page 10 Line 26 to Page12 Line 10 disclose an image-processing system including a local client

computer and a remote server. Figures 2 and 3, and Page 12 Line 11 to page 16 Line 31 disclose a method for distributing image editing, review and ordering functions among system resources in an image-processing system. Figures 4 and 5 respectively illustrate distributing tasks for displaying preview images of an image-based product using server resources and using client computer resources (also Pages 17 to 21). Figure 1 shows image archive and print lab at remote sever 102. Synchronizing image management data between the local client computer and the remote server is shown in step 208 in Figure 2 and Pages 12 Line 26 to 14 Line 15.

Regarding claim 45, among other supporting descriptions, Figure 1 and Page 10 Line 26 to page 12 Line 10 illustrate apparatus (system 100, client computer) comprising client software for executing on a local client computer. Figure 2 and Page 12, Line 11 to Page 15 Line 16 disclose that the software on the client computer includes instructions for identifying an original image for processing at the local client computer, uploading the original image to a remote server, receiving a user selection to locally or remotely process the original image; if local processing is selected, locally manipulating parameters associated with the original image including storing, on the local client computer, metadata describing the manipulations without modifying the original image, if remote processing is selected, opening a session with the remote server;

Figure 1 and Page 10 Line 26 to page 12 Line 10 illustrate a remote server software (102) for executing on the remote server. Figure 2 and Page 12, Line 11 to Page 15 Line 16 disclose that the software on the remote server include instructions for receiving the original image, manipulating parameters associated with the original image in accordance with instructions received from the local processor, storing metadata describing the manipulations without modifying the original image, and at each session between the local client computer and the remote server, synchronizing the local client computer and the remote server including updating metadata for one of the local client computer and the remote server using metadata of the other.

Aspects of the invention can include one or more of the following features. The synchronizing step can include updating local client software for manipulating the image. The manipulating step can include manipulating a proxy image associated with the image. The proxy image can be a lower or higher resolution image than the image. The step of

manipulating the proxy image can include creating metadata describing the manipulations to the image, applying the metadata to the proxy image and displaying the modified proxy image. The manipulating step can include displaying to the user a modified image including selecting between the image and a proxy image, modifying the selected image in accordance with the manipulation parameters, and displaying the modified selected image. The method can include storing the metadata as a file associated with the image at each of the local client computer and the remote server. The metadata can include rotation information, cropping information and user interface state information. The step of manipulating the parameters can include capturing state information defining a state of the manipulations at a predefined time and selecting a previous state at the request of the user. The method can include capturing a history of the state information and selecting any of the previous states without traversing back through each intermediary state in the history. The parameter that can be manipulated can be selected from image parameters, account parameters and order parameters. The image parameters can include the state of the user interface, image archival information, annotation information, backprint information and order information. The order information can include pricing information. The method can include defining a personal template that describes a particular configuration for the parameters for a given image and wherein the image parameters includes an identifier pointing to the personal template. The account parameters can include verification data for the client. The order parameters can include envelope information. The synchronization step can be bi-directional. The synchronization step can include checking for conflicts between metadata stored at the local client computer and the remote server and upon detecting a conflict, alerting the user to the conflict. The method can include receiving a selection from the user regarding the client and synchronizing the local client computer and remote sever in accordance with the selection. When a conflict arises, two different states of the metadata at each of the local client computer and the remote server, one for each of the conflicting parameters, can be stored. The step of alerting the user can include displaying a dialog box to the user from which a selection can be made. The method can include storing on the local client computer a printer output file including profiles for different printers available through the remote server, wherein the step of manipulating the parameters includes displaying a modified version of the original image in accordance with the manipulated parameters and using an output profile for a printer on which the image is to be outputted when transferred to the remote server. The method can

include displaying on both the local client computer and the remote server a similar image metaphor for manipulating the original image. The image metaphor can include an envelope for dropping selected images into when ordering. The method can include prompting the user to experience a new remote server function including loading a copy of a tool onto the local client computer during the synchronization step and displaying an icon in the user interface that alerts the user to the new functionality and includes a link to the local copy of the tool to allow the user to manipulate an image using the new functionality. The method can include storing metadata describing the manipulations without modifying the image, the metadata being stored at the computer, either the local client or the remote server, where the manipulating step is performed. The local client computer can be selected from the group of PDA, portable computer, kiosk, fax machine, digital camera and docking station. The connection between the local client computer and remote server can be wireless. The synchronization step can occur in real-time, at a next open session or at the end of a session between the local client computer and the remote server. he synchronization step occurs in real time between the local client computer and remote server. The parameters can include print parameters and display parameters. The print parameters can include print calibration parameters. (Pages 5-8 of the Specification)

The proposed client-based software tracks the processing changes by the user on each particular image. The software also offers an incremental undo function so that the user can change back to a previous image state if he/she decides to try something different. The history of the image processing and undo functions is stored and synchronized between the client computer and online server so that it can be used analogously on both the web (e.g., the server) and the client computer. (Pages 5-8 of the Specification)

Personal templates can be saved that define a particular set or chain of image processing operations often used by a user. The metadata file can also include the states (i.e. the user interface (UI) settings) of the UI at the time the image operations are invoked by the user. Unique UI state information can be associated with each image. The UI states can be transferred from the client to the server along with the source image. If the source image is already stored in the user account on the server, only the metadata file needs to be transferred to the server and updated in the user account. The preservation and

storing of the UI states allows the user to recover the exact display condition he/she created on a different client computer or on the website. (Page 8 of the Specification)

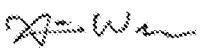
Each time a connection to the user's account at the online photofinisher's website is made, the state information of the user account is updated on the user computer and on the web. The state information can include image transfers or upload, the transfer of an image file name, image processing information, image archival information, annotation and back printing information, UI state information, personal template, and order information. The input information on the user's computer can be automatically uploaded to the user account on the web. (Page 8 of the Specification)

CONCLUSION

Appellant believes that the above discussion is fully responsive to the 5/31/07 Office Communication and all grounds of rejection set for the in the Final Office Action.

If for any reason the Examiner believes that a telephone conference would in any way expedite review of the appeal, the Examiner is invited to telephone the undersigned at 650-610-3522.

Respectfully submitted,



Xin Wen

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